

**PLANNING COMMISSION SITE PLAN REVIEW SHEET  
WATERFRONT OVERLAY SITE PLAN APPROVAL WITH VARIANCES**

**CASE NUMBER:** SPC-06-0716C.SH **PLANNING COMMISSION DATE:** Oct. 9, 2007  
**PROJECT NAME:** 300 E. Riverside Dr.  
**ADDRESS:** 300 E. Riverside Dr.  
**AREA:** 3.89 acres  
**APPLICANT:** CWS Capital Partners LLC (Greg Miller)  
9606 N. MoPac Expressway, Suite 500  
Austin, TX 78759  
(512) 837-3028

**AGENT:** Armbrust & Brown, LLP  
Richard Suttle- 435-2394  
100 Congress Ave., Suite 1300  
Austin, TX 78701

**EXISTING ZONING:** Lake Commercial District-Neighborhood Plan (L-NP). The tract is also subject to the Waterfront Overlay South Shore Central Sub-district.

**PROPOSED DEVELOPMENT:**

The proposed development consists of 325 units of multi-family residential, gallery, parking garage, water quality system and other associated improvements. This project is a certified SMART Housing project. The applicant is requesting approval of a site plan variances from the South Shore Central Sub-district of the Waterfront Overlay.

**NEIGHBORHOOD ORGANIZATION:**

South River City Citizens Association  
Terrell Lane Interceptor Association  
~~Barton Springs/Edwards Aquifer Conservation District.~~  
South Central Coalition  
Austin Neighborhoods Council  
Austin Independent School District  
Home Builders Association of Greater Austin

**AREA STUDY:** Greater South River City Combined Neighborhood Plan

**WATERSHED:** Town Lake and East Bouldin (Urban)

**APPLICABLE WATERSHED ORDINANCE:** Current/ Comprehensive Watershed Ordinance

**CAPITOL VIEW:** N/A

**T.I.A.:** N/A

**SUMMARY STAFF RECOMMENDATION:**

Disapproval of site plan and requested variances

**PARKS AND RECREATION DEPT. RECOMMENDATION:** The PARD Board voted 5-4 on August 28, 2007, to recommend disapproval of variances. (See attached memo).

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**PLANNING COMMISSION ACTION:** Sept. 11, 2007 – Postpone to Oct. 9, 2007  
Oct. 9, 2007 -

**CASE MANAGER:** Javier V. Delgado Telephone: 974-7648  
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**PARD STAFF:** Ricardo Soliz Telephone: 974-6765

**PROJECT INFORMATION:**

**ZONING:** L-NP

**MAX. BLDG. CVRG:** 50%

**MAX. HEIGHT:** 200'

**MAX. IMP. CVRG:** 50%

**EXIST. USE:** Multi-family Res.

**PROP. BLDG. CVRG:** 41.1%

**PROP. HEIGHT:** Varies with a max of 200'

**PROP. IMPERV. CVRG:** 49.9%

**PROPOSED USE:** Multi-family residential, pedestrian-oriented uses

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The proposed site is located at 300 E. Riverside Drive and is zoned Lake Commercial- Neighborhood Plan (L-NP). The site is also subject to the Waterfront Overlay (WO), in the South Shore Central Sub-District. The total site consists of 3.89 acres. The development plans propose an impervious coverage of 1.94 acres (49.9%).

Currently, the site has an existing a 156-unit multi-family development called Riverside Place Apartments.

The applicant is proposing a 325 multi-family unit development. The development also includes an on-site parking facility and associated water quality facilities. The site will have varying heights with a maximum proposed 200-foot tower.

The applicant is requesting approval of a site plan with variances to the South Shore Central sub-district of the WO:

1. Variance to Section 25-2-742 (C1) (C2):

to reduce the secondary setback line of 50-feet from the primary setback line parallel to Town Lake shoreline to 0 feet; and

2. Variance to Section 25-2-742 (C2):

to reduce the secondary setback line of 130 feet from the primary setback of East Bouldin Creek to 0 feet.

3. Variance to Section 25-2-721 (B1): to construct a emergency access driveway and a sidewalk not located on proposed dedicated parkland in the primary setback. The section prohibits parking areas and structures within the primary setback.

The granting of these variances would have the effect of allowing uses that are normally prohibited and eliminating the impervious cover limit in the secondary setback.

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### **Case Review History:**

**Subdivision:** This property was determined to be a legal tract and was not required to subdivide.

**Site Plan:** The following is a history of the review cycles for the site plan. The site plan configuration has changed several times.

SP-06-0347C.SH: Initial Update 07-28-2006 to 8-17-2006  
Update #1 09-25-2006 to 10-06-2006

Site Plan was withdrawn and resubmitted on 11-29-2006

SPC-06-0716C.SH: Initial Update 12-08-2006 to 01-02-2007  
Update #1: 05-21-2007 to 06-18-2007  
Update #2: 07-09-2007 to 07-30-2007  
Update #3: 08-16-2007 to 09-04-2007

**Transportation:** A traffic impact analysis was not required. The existing trips per day are 974. The proposed development would result in a net increase of 774 trips per day. Proposed driveway access will be from Riverside Drive. Also, there is access to a driveway through the 222 E. Riverside site plan to a private street that connects to Riverside further west.

**Environmental:** The site is in the Desired Development Zone. The site is in the Town Lake and East Bouldin Creek watershed of the Colorado River Basin, which is classified as urban. The site is not located over the Edward's Aquifer Recharge Zone. The existing impervious cover for the site is approximately 2.6 acres (67%) of the site. The existing site was developed in 1973, prior to current water quality regulations. Currently, there is no water quality facility or treatment for the runoff from the site.

The proposed development plans to reduce the impervious coverage from 2.6 acres (67%) to 1.94 acres (49.9%). The site will comply with all current water quality requirements.

There are no critical water quality zones affected by this project due to the redevelopment ordinance ( Sec. 25-8-26).

### **SURROUNDING CONDITIONS:**

#### **Zoning/ Land use:**

**North:** Town Lake and proposed multi-family (L-NP)

**East:** Bouldin Creek, Town Lake, and apartments (L-NP)

**South:** Riverside Drive, office and restaurant (L-NP)

**West:** Riverside Drive and office (L-NP)

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Riverside Drive	85'	60'	Major Arterial

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**SUMMARY STAFF RECOMMENDATION (for variances):**

Section 25-2-713 outlines the criteria for evaluation of variance requests from the WO :

- 1) The proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study including environmental protection, aesthetic enhancement, and traffic.
- 2) The variance is the minimum required by the peculiarities of the tract.

In staff's opinion, the proposed development is not consistent with the goals and policies of the Town Lake Corridor Plan. The proposed development would aesthetically dominate the surrounding area. At the shoreline, the proposed development would present a shear wall effect. The Town Lake Corridor Study makes recommendations that "encourage structures that are of a compatible scale with the pedestrian" and "establish a consistent alignment of building setbacks and heights; develop a coherent building pattern." Granting the variance will also result in the loss of an opportunity to enhance a view corridor from Riverside Drive to Town Lake along East Bouldin Creek.

The applicant has not demonstrated how the peculiarities of the site justify the need for the variance requests. The owner could redevelop portions of the site and build more units and to a greater height (up to 200 feet) than what currently exists without the need for any variances.

**SUMMARY STAFF RECOMMENDATION (for site plan):**

Staff recommends disapproval of the proposed site plan due to the requested variances. The denial of the variance would necessitate a re-design of the project. Thus, the review process would begin at an initial level once again.

The applicant is still working on clearing staff comments. If the Commission chooses to approve the site plan, it should be subject to all ordinance requirements and staff comments as listed in the attached comment report.